

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 26/06/2026	Ref: 73011/FUL
Registration: 17/04/2026	LDfC: 09/05/2026	Expiry Date: 12/06/2026
Site Visit: 01/05/2026	Site Notice: 01/05/2026	Press Date: 23/04/2026
Objections: 0	Con Area: N/A	Adv Type: ARW
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Creation of new driveway, wall and ramped access to the side elevation

Location: 59 Hilton Lane, Prestwich, Manchester, M25 9SA

Description

The application relates to a detached dwelling which is located on the corner of a main road with an access road and Public Right of Way (10PRE) to the west of the dwelling which serves Prestwich Golf Club.

The dwelling is set back from the road and is set on an incline above the road. The dwelling is accessed via a driveway which is located to the rear of the property accessed from the adjacent lane and PRow.

The application seeks consent for a ramped access to the western elevation of the dwelling which would be accessed via a new driveway off the PRow to the north west of the dwelling.

The new driveway would have a 1:12 gradient and lead directly to the side of the dwelling and a parking space. The ramp would be 9m in length with a gradient of 1:13 and a level platform next to where the car would be parked. A new retaining wall would be built along the western elevation of the driveway and would be 8.8m long and approx 1.2m high. The new driveway would be a one way system in and out, entering the site from the junction of Hilton Lane and the PRow and exiting from the existing driveway at the southern end of the site.

The development for the new drive and access ramp would serve the applicant who is wheelchair reliant and requires level access to the dwelling.

The creation of a driveway to a dwelling which does not require a dropped kerb off the unadopted highway does not require consent.

Relevant Planning History

n/a

Publicity

Letters sent to 4 properties on 17/4/26.

Site notice posted 1/5/26.

No responses received as a result of the publicity.

Statutory/Non-Statutory Consultations

Traffic Section - no objections

Public Rights of Way Officer - no objections

Pre-start Conditions - Applicant/Agent has agreed with pre-start conditions

Development Plan and Policies

NPPF	National Planning Policy Framework
EN1/2	Townscape and Built Design
H2/3	Extensions and Alterations
HT5/1	Access For Those with Special Needs
HT2/4	Car Parking and New Development
JP-C2	Digital Connectivity
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-C8	Transport Requirements of New Development
JP-S2	Carbon and Energy
JP-S4	Flood Risk and the Water Environment

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within the adopted Bury Unitary Development Plan (UDP), together with other relevant material planning considerations.

The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP and PfE Policies will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation

imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

Layout

The new access would be formed from the PRow at the lower part of this lane which is close to the junction with Hilton Lane. This part of the highway is approximately 14m and as such considered that there would not be adverse conflicts between a car entering the site and cars existing the PRow onto the highway. The new access would lead to a driveway and a level parking space located directly adjacent to the applicant's dwelling which would enable wheelchair access to a level platform and the ramp. The ramp would be formed along the western elevation of the dwelling and would have a 1:13 gradient and length of 9m. The ramp would lead to the front of the property and entrance enabling an accessible route from a parking space to the property. The retaining wall would be located along the western boundary of the site along part of the PRow but would not encroach onto this route or impede access along it.

The new driveway would operate a 'one-way' system, allowing for the vehicle to exit in a formal gear onto the PRow.

It is considered that the proposed development would be sited and operate so as not to obstruct or cause significant highway safety concerns for users of the PRow.

The Local Highway Authority have raised no objections subject to a condition for highway associated remedial works to be implemented prior to use of the development.

The proposed development is therefore considered to comply with H2/3, JP-C5, JP-C6 and JP-C8.

Impacts on Public Right of Way

There is an existing vehicular access to the site utilising Public Footpath Number 10, Prestwich. The footpath also serves as access to Prestwich Golf Club. It is considered the new access would not have a detrimental effect on the use of the footpath given its current level of usage by motorised vehicles, the width of the access at this point and its urban characteristics. the PRow officer has no objections and would recommend an informative as follows -

The applicant must be made aware of the need to safeguard people using public rights of way and that no public rights of way are damaged, widths altered, gates erected across their width (unless authorised by Bury Council as Highway Authority) or obstructed by any other means either during or as a result of development. The applicant must ensure that no changes to land levels/surface water runoff affects a public right of way. If a temporary obstruction of public rights of way is unavoidable, no development must take place until a temporary closure order has been made by Bury Council and a suitable temporary alternative route(s) made available.

Impacts on the surrounding area

The new driveway access (which does not require planning permission) would not impact access to surrounding houses and as it would be located off a wide opening on the PRow, there would be limited impacts on users of the lane, predominantly visiting the golf club.

The ramp itself would be within the side next to the side elevation of the dwelling and not highly visible to the surrounding area.

As such the proposed development would comply with EN1/2, H2/3 and JP-C5.

JP-C2 - Digital connectivity and JP-S2 - Carbon and energy

It is considered that these policy requirements would be technically unfeasible to deliver and irrelevant for the character of development proposed.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions and Reasons:

- 1 The development must be begun not later than three years beginning with the date of this permission.
 Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to drawings -

 Existing and proposed ground floor, existing and proposed A-A view PL01 rev B
 Existing and proposed elevations PL02 rev A
 Revised proposed site plan PL03 rev E
 Revised existing and proposed site plans PL04 rev D
 Location plan PL05
 Proposed tracking plan PL06

 and the development shall not be carried out except in accordance with the drawings hereby approved.
 Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan and Places for Everyone Joint Development Plan listed.
- 3 The formation of the alterations to the vehicular access and driveway indicated on the approved plans, incorporating the demarcation of the limits of the Public Right of Way No. 10, Prestwich and all associated highway remedial works abutting the site required to reinstate the Public Right of Way to its condition prior to commencement of the proposed development, shall be implemented prior to the access and driveway alterations hereby approved being brought into use.
 Reason. In the interests of highway safety and to maintain the integrity of the adopted highway pursuant to policies H2/3, JP-C5, JP-C6 and JP-C8.
- 4 The development hereby approved shall not be commenced unless and until facilities for the storage of construction materials have been provided within the curtilage of the site. The facilities shall be retained for the intended purpose and the area identified shall not be used for any other purposes other than the storage of construction materials for the duration of the construction period.
 Reason. To maintain the integrity of the adopted highway and Public Right of Way and ensure adequate off highway materials storage arrangements are provided for the duration of the construction period, in the interests of highway safety pursuant to policies H2/3 and JP-C8.

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<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT 26/6/26		HL 26.06.2026	